

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION No 956 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE J.R.VORA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

MINOR PRATIKHSHABEN RAMESHBHAI

Versus

POONAMBHAI SHIVABHAI CHAUHAN (DRIVER)

Appearance:

MR MA PAREKH for Petitioner No. 1-4
DS AFF.NOT FILED (R) for Respondent No. 1
RULE SERVED BY DS for Respondent No. 2-3

CORAM : HON'BLE MR.JUSTICE J.R.VORA

Date of decision: 12/07/2004

ORAL JUDGEMENT

1. Learned Advocate Mr.M.A.Parekh for the petitioner
seeks permission to delete respondent No.1, who is driver
of the vehicle involved in the accident. Permission

granted.

2. Heard learned Advocate for M.A.Parekh for the petitioner. Opponent Nos. 2 and 3 are served by Direct Service.

2. This application is filed for transfer of Motor Accident Claim Petition No.338 of 2000 pending before the Motor Accident Claims Tribunal at Nadiad (Kheda District) to Motor Accident Claims Tribunal at Ahmedabad (City).

3. It is stated in the application and contended by learned Advocate for the petitioner that applicant No.4 is residing at Ahmedabad and applicant Nos. 1 to 3 are also likely to shift over Ahmedabad, and in this view of the matter to avoid the cost of litigation, delay and inconvenience of the parties, it would be in the interest of justice, to transfer said Motor Accident Claim Petition to the Motor Accident Claims Tribunal at Ahmedabad (City).

4. Besides the grounds of transfer, now vide amendment to Section 166(2) of the Motor Vehicles Act, 1982, applicant may file Motor Accident Claim Petition where they might be residing.

5. In this view of the matter, in the interest of justice, this Application is allowed and it is directed that Motor Accident Claim Petition No.338 of 2000 pending before the Motor Accident Claims Tribunal, Kheda at Nadiad is transferred to Motor Accident Claims Tribunal, Ahmedabad (City). Motor Accident Claims Tribunal, Kheda at Nadiad is further directed to transmit Record and Proceedings of said Motor Accident Claim Petition No.338 of 2000 immediately to Motor Accident Claims Tribunal at Ahmedabad (City). On so receiving the papers, the Motor Accident Claims Tribunal, Ahmedabad (City), shall register the same, deal with and dispose of the said Motor Accident Claim Petition according to law. Rule made absolute. DS permitted.

(J.R. Vora, J.)

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